

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

MICHAEL ALLEN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:18CV465–HEH
	)	
HAROLD W. CLARKE,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**  
**(Dismissing Successive § 2254 Petition)**

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions in the Circuit Court for the City of Richmond of murder, two counts of malicious wounding, and three counts of use of a firearm during the commission of a felony. The Court previously has denied at least two 28 U.S.C. § 2254 petitions filed by Petitioner challenging these convictions. *Allen v. Warden of Nottoway Corr. Ctr.*, No. 3:04CV252 (E.D. Va. Jan. 25, 2005); *Allen v. Taylor*, No. 3:00CV117 (E.D. Va. Oct. 23, 2001).


The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move

in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 petition. Therefore, the action will be dismissed without prejudice for want of jurisdiction. A certificate of appealability will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: Oct. 30, 2018  
Richmond, Virginia

  
\_\_\_\_\_/s/  
Henry E. Hudson  
Senior United States District Judge